

APR 22 2004

OFFICIAL

P&G Case 5494CRL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

Roe et al.

Serial No.: 08/908,852

Filed: Aug. 8, 1997

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Confirmation No.: 9941

Group Art Unit: 3761

Examiner: K. M. Reichle

For: Article Having A Lotioned Topsheet

TERMINAL DISCLAIMER

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Petitioner, The Procter & Gamble Company, is the owner of the entire right, title and interest in the above-identified application (the assignment recorded on March 2, 1998 at reel 9014, frame 0883). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 as presently shortened by any terminal disclaimer, of prior Patent Nos. 6,118,041, issued Sept. 12, 2000; 6,426,444, issued July 30, 2002; and 6,586,652, issued July 1, 2003, each of which issued from parent applications to the above-identified application. The assignment for these parent applications is recorded at reel 7324, frame 0364. The evidentiary documents for the assignments have been reviewed, and petitioner certifies that to the best of petitioner's knowledge and belief, title is in the assignee to take this action. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and U.S. Patent Nos. 6,118,041; 6,426,444; and 6,586,652 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any

manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Authorization is given to charge Deposit Account No. 16-2480 for the fee required under 37 C.F.R. §1.20 (d) for submission of this Terminal Disclaimer. A duplicate copy of this correspondence is enclosed to facilitate charging of the fee.

Respectfully submitted,

By 

Dara M. Kendall  
Attorney for Applicants  
Registration No. 43,709  
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Date: April 22, 2004

Customer No. 27752

(Trmpdisc.doc)

(Last revised 4/7/2003)